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6                   **UNITED STATES DISTRICT COURT**  
7                   **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,  
9                   Plaintiff,  
10                 v.  
11 MIGUEL RODRIGUEZ-FRANCO,  
12                 Defendant.

3:18-CR-104-LRH-WGC  
**Preliminary Order of Forfeiture**

13                 This Court finds Miguel Rodriguez-Franco pled guilty to Count One of a One-Count  
14 Indictment charging him with felon in possession of a firearm in violation of 18 U.S.C. §  
15 922(g)(1). Indictment, ECF No. 3; Change of Plea, ECF No. 20; Plea Agreement, ECF No.  
16 21.

17                 This Court finds Miguel Rodriguez-Franco agreed to the forfeiture of the property set  
18 forth in the Plea Agreement and the Forfeiture Allegation of the Indictment. Indictment,  
19 ECF No. 3; Change of Plea, ECF No. 20; Plea Agreement, ECF No. 21.

20                 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States  
21 of America has shown the requisite nexus between property set forth in the Plea Agreement  
22 and the Forfeiture Allegation of the Indictment and the offense to which Miguel Rodriguez-  
23 Franco pled guilty.

24                 The following property is any firearm or ammunition involved in or used in any  
25 knowing violation of 18 U.S.C. § 922(g)(1), and is subject to forfeiture pursuant to 18 U.S.C.  
26 § 924(d)(1) with 28 U.S.C. § 2461(c):

- 27                 1. a Grendel, model P12, .380 caliber pistol with serial number 36598; and  
28                 2. any and all ammunition

1 (all of which constitutes property).

2 This Court finds that the United States of America may amend this order at any time  
3 to add subsequently located property or substitute property to the forfeiture order pursuant  
4 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

5 This Court finds the United States of America is now entitled to, and should, reduce  
6 the aforementioned property to the possession of the United States of America.

7 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
8 DECREED that the United States of America should seize the aforementioned property.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory  
10 rights, ownership rights, and all rights, titles, and interests of Miguel Rodriguez-Franco in  
11 the aforementioned property are forfeited and are vested in the United States of America  
12 and shall be safely held by the United States of America until further order of the Court.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States  
14 of America shall publish for at least thirty (30) consecutive days on the official internet  
15 government forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall  
16 describe the forfeited property, state the time under the applicable statute when a petition  
17 contesting the forfeiture must be filed, and state the name and contact information for the  
18 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)  
19 and 21 U.S.C. § 853(n)(2).

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual  
21 or entity who claims an interest in the aforementioned property must file a petition for a  
22 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which  
23 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §  
24 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's  
25 right, title, or interest in the forfeited property and any additional facts supporting the  
26 petitioner's petition and the relief sought.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,  
28 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal

1 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty  
2 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days  
3 after the first day of the publication on the official internet government forfeiture site,  
4 www.forfeiture.gov.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the  
6 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States  
7 Attorney's Office at the following address at the time of filing:

8 Daniel D. Hollingsworth  
9 Assistant United States Attorney  
James A. Blum  
10 Assistant United States Attorney  
501 Las Vegas Boulevard South, Suite 1100  
Las Vegas, Nevada 89101.  
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12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice  
13 described herein need not be published in the event a Declaration of Forfeiture is issued by  
14 the appropriate agency following publication of notice of seizure and intent to  
15 administratively forfeit the above-described property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send  
17 copies of this Order to all counsel of record.

18 DATED this 5th day of August, 2019.

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21 HONORABLE LARRY R. HICKS  
22 UNITED STATES DISTRICT JUDGE  
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